Notice of Allowability	Application No.	Applicant(s)	
	10/727,376	CHIOU, WIN L.	
	Examiner	Art Unit	
	San-ming Hui	1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.

2. ☒ The allowed claim(s) is/are *40-49*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 40-49 are pending.

Authorization for this examiner's amendment was given in a telephone interview with Dr. Win Chiou on June 6, 2007.

The application has been amended as follows:

40. A method for ~~treating~~ ameliorating ~~papular and pustular~~ acne comprising topically applying a therapeutically effective amount of one or more aluminum compounds selected from the group of aluminum potassium sulfate, ~~aluminum lactate~~ and aluminum ammonium sulfate in a pharmaceutically acceptable dosage form to the area of lesion of the acne.

41. A method for ~~treating~~ ameliorating ~~popular and pustular~~ acne consisting essentially of topically applying a therapeutically effective amount of one or more aluminum compounds selected from the group of aluminum potassium sulfate, ~~aluminum lactate~~ and aluminum ammonium sulfate in a pharmaceutically acceptable dosage form to the area of the lesion of the acne, wherein the concentration of the aluminum compound ranges from about 0.05% to about 50% by weight.

42. The method of Claim 40, wherein the concentration of the aluminum compound

ranges from about 0.05% to about 50% by weight.

43. A method for ~~treating~~ ameliorating rosacea comprising topically applying a therapeutically effective concentration of one or more aluminum compounds selected from the group consisting of aluminum potassium sulfate, aluminum sulfate, aluminum lactate and aluminum ammonium sulfate in a pharmaceutically acceptable dosage form to the area of lesion of the rosacea.

44. The method of Claim 43, wherein the concentration of the aluminum compound ranges from about 0.05% to about 50% by weight.

45. A method for ~~treating~~ ameliorating rosacea comprising topically applying a therapeutically effective concentration of one or more bismuth compounds selected from the group consisting of bismuth subsalicylate, ~~bismuth chloride, bismuth oxide~~, bismuth subcarbonate, bismuth subgallate, bismuth subsaltrate, bismuth phosphate, bismuth aluminate, bismuth salicylate, bismuth tribromophenate, bismuth dipropylacetate, bismuth citrate, bismuth subcitrate, bismuth ascorbate, bismuth subcarbonate, bismuth tartrate and colloidal bismuth subcitrate in a pharmaceutically acceptable dosage form to the area of lesion of the rosacea.

46. The method of Claim 45, wherein the concentration of the bismuth compound ranges from about 0.05% to about 5% by weight.

47. A method for ~~treating~~ ameliorating warts in human comprising topically applying a therapeutically effective amount of one or more polyvalent metal compounds in a pharmaceutically acceptable dosage form to the area of the lesion of warts, wherein a metal compound is selected from the group consisting of aluminum potassium sulfate,

aluminum lactate, aluminum ammonium sulfate, bismuth subsalicylate, bismuth chloride, bismuth oxide, bismuth subcarbonate, bismuth subgallate, bismuth subsaltrate, bismuth phosphate, bismuth aluminate, bismuth tribromophenate, bismuth dipropylacetate, bismuth citrate, bismuth subcitrate, bismuth ascorbate, bismuth tartrate and colloidal bismuth subcitrate.

48. The method of Claim 47, wherein the concentration of the polyvalent metal compound ranges from about 0.05% to about 50% by weight.

49. A method for ~~treating~~ ameliorating warts in human consisting essentially of topically applying a therapeutically effective amount of one or more polyvalent metal compounds in a pharmaceutically acceptable dosage form to the area of the lesion of warts, wherein a metal compound is selected from the group consisting of aluminum potassium sulfate, aluminum lactate, aluminum ammonium sulfate, bismuth subsalicylate, bismuth chloride, bismuth oxide, bismuth subcarbonate, bismuth subgallate, bismuth subsaltrate, bismuth phosphate, bismuth aluminate, bismuth tribromophenate, bismuth dipropylacetate, bismuth citrate, bismuth subcitrate, bismuth ascorbate, bismuth tartrate and colloidal bismuth subcitrate, wherein the concentration of the metal compound ranges from about 0.05% to about 50% by weight.

The following is an examiner's statement of reasons for allowance: the instant methods of employing the instant heavy metal salt for the treatment of acne, rosacea, and warts are not taught or fairly suggested in the prior art. The herein claimed

compounds are not used as pharmaceutical excipients either. Therefore, such methods are seen to be allowable over the prior art.

Claims 40-49 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to San-ming Hui whose telephone number is (571) 272-0626. The examiner can normally be reached on Mon 9:00 to 1:00, Tu - Fri from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan, PhD., can be reached on (571) 272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

San-ming Hui
Primary Examiner
Art Unit 1617